

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: George Scialoia

Date application filed with the Town Clerk: October 11, 2005

Nature of request: A Special Permit to operate an office along with two existing apartments in the same building, a mixed use under Sections 3.325 and 9.22 of the Zoning Bylaw on a non-conforming lot, and a sign of 8 square feet under Section 8.101 of the Bylaw

Address: 53 Meadow Street (Map 5A, Parcel 18, R-VC Zoning District)

Legal notice: Published on November 2nd & 9th, 2005 in the Daily Hampshire Gazette and sent to abutters on October 31, 2005.

Board members: Tom Simpson, Ted Rising and Russ Frank

Submissions: The petitioner submitted the following with the application:

- A Management Plan for the mixed-use building
- A plan of the proposed first-floor office
- A hand-drawn site plan showing the house, driveway and parking
- A GIS map of the property and surrounding lots
- A drawing of the proposed sign

The Assistant Fire Chief submitted a memo dated November 9, 2005 stating that a fire alarm and detection system will be required for the mixed-use building.

The Planning Department submitted a memo dated November 7, 2005 which outlined the dimensional and parking requirements for the proposal.

Site Visit: November 15, 2005

The Board met with Mr. Scialoia at the site, and observed the following:

- The heavily traveled street with many multi-family properties along it.
- The open farmland to the north behind the site
- The proposed parking area along the eastern side of the driveway
- The large garage, proposed for two additional parking places
- The proposed office space on the first floor of the house
- The two additional apartments, one on the second floor of the house, and the second attached to the back of the house.
- The two means of egress for the office space, and the second floor apartment, but only one egress for the second apartment.
- The location for the proposed sign in the front of the house.

Public Hearing: November 17, 2005

Mr. Scialoia spoke to his petition at the hearing. He gave the following information:

- He is the owner of Kendrick Property Management, Inc., currently located at 79 S. Pleasant Street, Amherst.
- The business consists of the management of a number of apartments, condominiums and multi-family homes in Amherst.
- He would like to move the business to the house on Meadow Street.
- The business consists of four employees – he and his wife, a maintenance person who works off site, and a part-time bookkeeper.
- Most of the business is on the telephone. Occasionally clients come to the office to sign a lease, but this takes around 15 minutes.
- He does not want any larger business than what he has at present. It will remain as is with the same number of employees and roughly the same number of clients.
- The proposed parking at the new location would be for eight cars – 4 for the 2 apartments, and 4 for his business.
- The property has contained three dwelling units for many years. It still is classified as a three-family property by the assessor, although it has been a two-family house since 1994.
- The most recent inhabitant was the owner, who lived on the first floor of the house.
- The upstairs was a one-bedroom apartment, and the back unit has two bedrooms.
- There will be no changes to the two existing apartments. They will stay as is, except for an additional means of egress for the back apartment,
- The main change will be to the first floor of the house. It will be converted to an office of several rooms, with approximately 850 square feet total area.
- The proposed parking is shown to scale on the submitted plan. Six of the eight proposed spaces would be angled off the driveway to the east.

Each Board member spoke to the difficulties of the proposed angled parking. They all agreed that turning would be difficult and that there was not enough space between the driveway and property line for angled parking. They recommended parking places at right-angles to the driveway. The applicant agreed to change the parking design.

Mr. Rising stated that there also needs to be screening between the parking and the neighbors to the east, since the parking spaces are against the property line. The applicant suggested a low fence that would screen the adjacent driveway and house from car headlights shining from his property. The Board agreed that a fence and low shrubs would help to screen the car lights.

Mr. Rising also suggested screening in the front of the lot to screen the cars from the road. The applicant agreed, and suggested evergreens as best in the front of the parking.

Mr. Frank asked where the snow would be plowed on the lot, with most of the eastern part of the site used for extra parking. Mr. Scialoia stated that the snow could be pushed to the side of the garage between the parking spaces and the garage.

Mr. Simpson stated that the petitioner needs improved plans for this proposal. Namely:

1. A better site plan, including dimensions, location/design of the proposed parking, location and type of screening and location of the sign.
2. Floor plans of the two apartments, including a second means of egress for the back apartment.
3. A sign plan with dimensions, color, materials, lighting and elevation.

One member of the public spoke to this petition. Eva Schiffer, 27 Kendrick Place, said that she supports this proposal. Mr. Scialoia has lived next door to her for 4-5 years on Kendrick Place, and it's been a pleasure to have him as a neighbor, she said. Everyone comments on how great his property looks – he is a great landscaper, she said. Ms. Schiffer also noted that he's very reliable, and his property management company has been quite successful. Moving to North Amherst would be good for both Mr. Scialoia and the Town.

With no further testimony, Mr. Rising moved to continue the hearing to December 15, 2005 at 7 PM. Mr. Frank seconded the motion, and the vote was unanimous to continue the hearing so that the applicant could submit better plans for the site.

Continued Hearing: December 15, 2005

Prior to the continued hearing, Mr. Scialoia indicated to the zoning staff that he wished to withdraw his application to convert the house on Meadow Street to a mixed-use facility. He had discovered from meeting with the Building Commissioner that the building code changes needed for the proposed conversion would too expensive. He thus asked that the application be withdrawn, and send a letter to the Board dated 12/12/05 requesting withdrawal without prejudice.

Mr. Simpson read for the record the written request for withdrawal at the continued hearing.

Zoning Board Decision:

Mr. Simpson moved to APPROVE the WITHDRAWAL of the application to convert the dwelling to a mixed-use building without prejudice. Mr. Rising seconded the motion, and the vote was UNANIMOUS for Mr. Scialoia to withdraw without prejudice his application to convert a three-family dwelling to a mixed-use building of an office and two apartments.

TOM SIMPSON

TED RISING

RUSS FRANK

FILED THIS _____ day of _____, 2006 at _____,
in the office of the Amherst Town Clerk _____.

NOTICE OF DECISION mailed this _____ day of _____, 2006
to the attached list of addresses by _____, for the Board.